

## Wolf, Greenfield &amp; Sacks, P.C.

Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
(617) 720-3500

Fax (617) 720-2441  
E-mail 92-1742 EZECIEL

08-250, 657  
**#17**

RECEIVED

AUG 30 1994

APPLICATION DIVISION

FACSIMILE COVER SHEET

NUMBER OF PAGES BEING TRANSMITTED (including cover sheet): 6  
DATE: 8-30-94 TIME: 9 :15 AM/PM

RECIPIENT'S NAME: John Dill - Application Processing Division  
COMPANY NAME: United States Patent and Trademark Office  
FACSIMILE NUMBER: 703 304 9863  
TELEPHONE NUMBER: 703 308 1202

FROM FACSIMILE NUMBER (617) 720-2441

SENDER'S NAME : Jason M. HoneymanORIGINAL DOCUMENTS  
1ST CLASS MAIL OVERNIGHT AIR MAIL  NOT SENTCOMMENTS

This transmission contains confidential information intended for use only by the above-named recipient. Reading, discussion, distribution, or copying of this message is strictly prohibited by anyone other than the named recipient, or his or her employees or agents. If you have received this fax in error, please immediately notify us by telephone (collect), and return the original message to us at the above address via the U.S. Postal Service.

IF YOU DID NOT RECEIVE ALL OF THE PAGES OF THIS  
TRANSMISSION OR IF ANY OF THE PAGES ARE ILLEGIBLE,  
PLEASE CALL IMMEDIATELY AT (617) 720-3500

OUR FILE NUMBER(S) : B0221/7061  
YOUR FILE NUMBER(S):                   

BEST AVAILABLE COPY

ATTORNEY'S DOCKET NO.: B0221/7061

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mulhauser et al.  
Serial No: 08/250,657  
Filed: May 27, 1994  
For: IMPLANTABLE PROSTHESIS AND METHOD AND  
APPARATUS FOR LOADING AND DELIVERING AN  
IMPLANTABLE PROSTHESIS

Examiner: Nguyen, D.  
Art Unit: 3308

HON. COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231  
ATTENTION: John Dill  
Application Processing Division

Sir:

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this \*\* is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Please charge any fee to the account of the  
undersigned, Deposit Account No. 23/2825.

Jason M. Honeyman  
Typed or Printed Name of Person  
Signing Certification

Page 6

~~Jasen M. Honeyman  
WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 02210  
(617) 720-3500~~

Facsimile No.: (617) 720-2441

\*\* [X] REQUEST FOR RESPONSE

26781-2

**BEST AVAILABLE COPY**

ATTORNEY'S DOCKET NO.: B0221/7061IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mulhauser et al.  
Serial No: 08/250,657  
Filed: May 27, 1994  
For: IMPLANTABLE PROSTHESIS AND METHOD AND  
APPARATUS FOR LOADING AND DELIVERING AN  
IMPLANTABLE PROSTHESIS

Examiner: Nguyen, D.  
Art Unit: 3308

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231  
Attn: John Dill  
Application Processing Division

REQUEST FOR RESPONSE

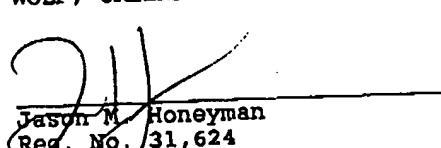
Dear Sir:

We have tried, unsuccessfully, to contact you by telephone  
regarding the status of the above-identified case.

On July 8, 1994 we responded by facsimile to the Notice of  
Improper FWC Filing Under 37 CFR 1.62 mailed in this case on July  
5, 1994. A copy of our letter is attached herewith. We await a  
decision on whether a filing date will be granted.

We would appreciate an acknowledgement that our July 8, 1994  
letter was received and is being acted on.

Respectfully submitted,  
WOLF, GREENFIELD & SACKS, P.C.

  
Jason M. Honeyman  
Reg. No. 31,624  
600 Atlantic Avenue  
Boston, MA 02210  
(617) 720-3500

Attorney Docket No.: B0221/7061  
Date: August 30, 1994  
3678U

BEST AVAILABLE COPY

ATTORNEY'S DOCKET NO.: 1 1/7061

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mulhauser et al.  
Serial No: 08/250,657  
Filed: May 27, 1994  
For: IMPLANTABLE PROSTHESIS AND METHOD AND  
APPARATUS FOR LOADING AND DELIVERING AN  
IMPLANTABLE PROSTHESIS

Examiner: Nguyen, D.  
Art Unit: 3308

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231

RESPONSE TO NOTICE OF IMPROPER FWC FILING

The above-identified application was refused a filing date because the issue fee was paid in the parent application as set forth in the attached copy of the Notice. The parent application was withdrawn from issue on May 27, 1994, the same date that the above-referenced application was lodged with the Patent Office. A copy of the Decision on Petition granting the withdrawal from issue is attached. Accordingly, the FWC application should be granted a filing date.

Please telephone the undersigned if there is any further question concerning the propriety of granting a filing date to the above-referenced application.

Respectfully submitted,

WOLF, GREENFIELD & SACKS, P.C.

\_\_\_\_\_  
Jason M. Honeyman  
Rec. No. 31,624  
600 Atlantic Avenue  
Boston, MA 02210  
(617) 720-3500

Attorney Docket No.: B0221/7061  
Date: July 8, 1994  
3569U

BEST AVAILABLE COPY



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

TC

APPLICATION NUMBER	RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
08/250,657	05/27/94	JASON M. HONEYMAN WOLF, GREENFIELD & SACKS FEDERAL RESERVE PLAZA 500 ATLANTIC AVENUE BOSTON, MA 02110	INITIAL Docket entry 05/27/94 Docket Cross Off Order Copies Annuities Other
			DOCKETED JUL 07 1994

**NOTICE OF IMPROPER FWC FILING UNDER 37 CFR 1.62**  
**NO FILING DATE GRANTED**

The above identified application was deposited under 37 CFR 1.62 as a file wrapper continuing application but is improper and has not been granted a filing date for reasons shown below:

- \_\_\_\_\_ 1. The application does not include the correct application number including filing date or series code of the prior application.
- \_\_\_\_\_ 2. The application, which is not a continuation-in-part, was not filed by the same or less than all the inventors named in the prior application and no petition for correction of inventorship was filed.
- \_\_\_\_\_ 3. The application, which is a continuation-in-part, does not identify the names of all the inventors (37 CFR 1.41(a)). The application uses "et al" but only one inventor was named in the prior application.
- \_\_\_\_\_ 4. The filing date included a new specification or a copy of a specification from the prior application. See 37 CFR 1.62(e). A petition with the \$\_\_\_\_\_ fee set forth in 37 CFR 1.17(i)(1) with instructions to cancel the copy or specification may be filed if a filing date as of the receipt date noted above is desired.
- \_\_\_\_\_ 5. The request does not include an original signature of the inventor(s), assignee of the entire interest, or registered attorney or agent.
- X 6. The application was not filed before the payment of the issue fee, abandonment of, or termination of proceedings on the prior application:
  - X a) The issue fee was paid on the prior application on 2/2/94.
  - \_\_\_\_\_ b) The prior application was abandoned, or proceedings terminated on \_\_\_\_\_.
  - \_\_\_\_\_ c) The prior application was abandoned by the filing of application number \_\_\_\_\_ on \_\_\_\_\_, under 37 CFR 1.62.
- \_\_\_\_\_ 7. Other:

The filing date will be the date of receipt of the items required above unless otherwise indicated, provided the items are filed before the payment of the issue fee, abandonment of, or termination of proceedings on the prior application. Any assertions that the items required above were submitted or are not necessary for a filing date must be by a petition directed to the attention of the Office of the Assistant Commissioner for Patents. Any such petition must be accompanied by the \$\_\_\_\_\_ fee (37 CFR 1.17(h)). If the petition states that the application is complete, a request for refund of the petition fee may be included in the petition.

All of the above noted items and/or any petition must be submitted within **TWO MONTHS** of the date of this notice (37 CFR 1.81(f)) or the application will be returned upon request or abandoned and the fee, if submitted, will be refunded less the \$\_\_\_\_\_ handling fee (37 CFR 1.21(n)). **THIS TIME LIMIT MAY NOT BE EXTENDED PURSUANT TO 37 CFR 1.136.**

Direct the response and any questions about this notice to, Attention: Application Processing Division, Special Processing and Correspondence Branch.

*A copy of this notice MUST be returned with the response.*

*John D. Sack*  
Application Processing Division

BEST AVAILABLE COPY